

## REMARKS

Claims 1-18 are all the claims pending in the application, with claims 1 and 15 being the only independent claims.

Applicant notes with appreciation that the originally filed drawings have been accepted, and that the IDS papers have been signed and acknowledged by the Examiner.

Claims 1-10 and 12-18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Pecoraro (U.S. patent 5,866,829). Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Pecoraro in view of Gillaspy (U.S. patent 5,506,371). Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

### Rejection under 35 U.S.C. §102(b) as being anticipated by Pecoraro

The Examiner rejects claims 1-10 and 12-18 under 35 U.S.C. §102(b) as being anticipated by Pecoraro.

### Reconfigurable Mounting Arrangement

Claim 1 is directed toward a customizable aggregated floor controller, and includes “a mounting frame securing said plurality of individual foot controller modules in a reconfigurable mounting arrangement.” The claim further requires that “each foot controller module . . . is readily positionable within any of a plurality of mounting locations of said mounting frame.”

Page 2 of the Office Action states that in Pecoraro, components 14 and 26 teach “foot controller modules,” and that components 12, 20, and 22 teach the above-identified “mounting frame” limitation. Applicant respectfully disagrees.

For the time being, Applicant assumes *arguendo* that electronic components 14 and module sound processors 26 disclose a “plurality of individual foot controller modules.” Applicant further assumes *arguendo* that case 12, base 20, and cover 22 disclose a “mounting frame.” Even if these assumptions were true, there still exists a significant difference between the case of the Pecoraro patent and the invention recited in claim 1.

For instance, Pecoraro states that “FIGS. 1 to 8 illustrate a pedal rack 10 comprising a case 12 with a plurality of a variety of electronic components 14 that may be electrically connected together and retained within the case 12.” (Pecoraro col. 4, lines 6-11) (emphasis added). The teachings of Pecoraro are limited to retaining electronic components 14 in only one position within the case. Pecoraro is clear on this point. Moreover, Pecoraro lacks any discussion relating to the electronic components being “readily positionable within any of a plurality of mounting locations” as required by claim 1.

Indeed, Pecoraro emphasizes that components 14 are “retained within the case 12.” At best, Pecoraro discloses a traveling case which permits a plurality of individual foot controller modules to be positioned within the case (no mounting described) and a single sound controller in a single mounting location, and thus cannot teach or suggest that “each foot controller module . . . is readily positionable within any of a plurality of mounting locations of said mounting frame” as required by claim 1. On this point alone, claim 1 is believed to be patentable over Pecoraro.

## Signal Interface

Claim 1 is further distinguishable since it recites “a signal interface adapted to transmit interface signals to an external system.” The claim further requires that “said interface signals are generated in response to one or more of said electrical signals generated by said plurality of individual foot controller modules.” Page 2 of the Action indicated that sound control unit 16 of Pecoraro teaches the just-identified claim limitation. Applicant respectfully disagrees.

Applicant has thoroughly reviewed the Pecoraro patent and is unable to locate any such teaching relating to the just-identified claim features. Pecoraro simply states that the sound control unit 16 receives signals from electronic components 14, and then goes on to describe how the sound control unit 16 can be pivotally mounted within case 12. Applicant submits that the Pecoraro sound control unit 16 is simply a rack-mounted conventional modular audio processing device. The sound control unit 16 is thus an audio signal processing device providing an audio signal processing function, and does not teach or suggest the identified “signal interface” feature of claim 1.

For the convenience of the Examiner, reproduced below are various portions of the Pecoraro patent which relate to the sound control unit 16. As Applicant best understands this patent, these portions represent the entire disclosure relating to the sound control unit 16.

“A sound control unit 16 may be electrically connected to the electronic components 14. A facility 18 is for pivotally mounting the sound control unit 16 within the case 12. The sound control unit 16 can go between a generally horizontal storage position “A” over the electronic components 14 and into an upright operational position “B” for easy access. The sound control unit 16 may also be completely removed from the case 12.” (Col. 4, lines 8-16).

”The case 12 consists of a base 20 for receiving the electronic components 14 and the pivotally mounting facility 18 with the sound control unit 16. A cover 22 fits over the base 20, when the sound control unit 16 on the pivotally mounting facility 18 is placed into the generally horizontal storage position “A” over electronic components 14. A plurality of latch mechanisms 24 hold the cover 22 onto the base 20, so that the case 12 holding the electronic components 14 and the pivotally mounting facility 18 with the sound control unit 16 can be safely transported.” (Col. 4, lines 18-26).

”The sound control unit 16 includes a box shaped housing 30, having a front face panel 32.” (Col. 4, lines 30-32).

”A structure 44 is for attaching an upper end of each elongate arm 40 to a front corner of the sound control unit 16.” (Col. 4, lines 42-44).

Applicant is unable to locate in the above passages where sound control unit 16 is “adapted to transmit interface signals to an external system,” or where “said interface signals are generated in response to one or more of said electrical signals generated by said plurality of individual foot controller modules.” Pecoraro is silent on these aspects. The above passages clearly demonstrate the shortcomings of the Pecoraro patent as an enabling reference with regard to the above-noted “signal interface” features recited by claim 1.

#### Foot Controller Modules

Yet another feature missing from the Pecoraro patent relates to “said plurality of individual foot controller modules generates an electrical signal in response to user operation of said individual foot controller module” as recited by claim 1. The Office Action indicated that electronic components 14 and module sound processors 26 disclose the just-identified features of claim 1.

In response, Applicant submits that electronic components 14 and module sound processors 26 are conventional modular audio processing devices such as choruses, fuzz boxes, wah-wahs, octave shifters, delays, reverbs, and the like. One skilled in the art immediately recognizes that components 14 and processors 26 must receive and process incoming audio signals in order to produce an outgoing output audio signal (i.e., signals directly representing audio frequency sound waves). The Pecoraro elements 14 and 26 simply operate by varying aspects of processing applied to the incoming input audio signals, but do not themselves generate

electrical signals in response to user operation. Since components 14 and 26 operate, at best, responsive to “incoming audio signals,” these components cannot therefore “generate electrical signals in response to user operation” as recited by claim 1.

In view of the foregoing, Pecoraro fails to teach or suggest a number of features recited in claim 1, and therefore this claim is believed to be patentable. Independent claim 15 recites similar language, and is therefore also believed to be patentable for similar reasons. Dependent claims 2-12, and 13-18 are further believed to be patentable at least by virtue of their respective dependencies on the patentable independent claims 1 and 15.

**Rejection Under 35 U.S.C. §103(a)**  
**as being unpatentable over Pecoraro and Gillaspy**

The Examiner rejects claim 11 under 35 U.S.C. §103(a) as being unpatentable over Pecoraro in view of Gillaspy. Applicant has demonstrated above that Pecoraro does not teach or suggest various features recited in claim 1. Applicant further submits that Gillaspy does not supply any of the deficiencies of Pecoraro. Therefore, for the reasons presented above, even if one skilled in the art were to combine the teachings of Pecoraro and Gillaspy in the manner asserted, claim 1 would be patentable at least by virtue of its dependency upon patentable independent claim 1.

Lastly, Applicant acknowledges the other references made of record and not relied upon. However, there is nothing of sufficient relevance to require detailed discussion.

## CONCLUSION

In light of the above remarks, Applicant submits that the present Response places all claims of the present application in condition for allowance. Reconsideration of the application is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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